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Judge George Daniels
500 Pearl Street
New York, New York
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SO ORDERED
George B. Daniels
HON. GEORGE B. DANIELS

United States v. David Wilkins, et al. S1 07 Cr. 566 (GBD)

JAN 22 2008

January 18, 2008

Dear Judge Daniels,

I am the CJA attorney for David Wilkins. When this case was last before you, you set a date of February 2, 2008, for defense motions to be filed. I am requesting a postponement of that filing for the following reasons:

- Co-defendants in this case who are cooperating with the government have provided information against Mr. Wilkins in relation to a putative drug-related homicide.
- The government intends on seeking an indictment against Mr. Wilkins for this murder. I am awaiting word from the prosecutor's office on the progress of this indictment.
- If Mr. Wilkins is indicted, I will most likely be removed from the case as I am not on the death-certified CJA panel, and the present case might likely be taken over by his new attorney.
- Since the initiation of this case, based on numerous conversations between counsel and the government, it seemed that a disposition short of trial would be reached for Mr. Wilkins. Those plans have now changed with the advent of a potential murder charge, and counsel now needs to carefully review all of the discovery to determine what motions are appropriate.
- I am on vacation from Jan. 19th to Feb. 4th and will therefore be unable to make the Feb. 2nd deadline.

I am asking the court to hold the motions in abeyance, until at least the next court date until a determination is made by the government on whether and when Mr. Wilkins will be prosecuted for murder. This case is next calendared for March 6th at 10:00 am.

Sincerely,

Toni Messina
Toni Messina, Esq.

Cc: Avi Weitzman, AUSA